



Application no. 10/613,599

September 11, 2006

TO: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: Art Unit 1744 - Examiner Beisner, William M

FROM: Stephen B. Ackerman, Reg. No. 37,761
28 Davis Avenue
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SUBJECT: Serial #: 10/613,599
File Date: 07/03/2003
Inventor: Yubo Miao
Examiner: Beisner, William M
Art Unit: 1744
Title: Shallow Multi-Well Plastic Chip for Thermal Multiplexing

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This is in response to the Restriction Requirement in the Office Action dated August 9, 2006. In that office action, restriction was required to one of the following Inventions under

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents P.O. Box 1450, Alexandria, VA 22313-1450 on Sept. 11, 2006.

Signature 
Stephen B. Ackerman, Reg. No. 37,761

Date: Sept. 11, 2006

35 U.S.C. 121:

The inventions stated are:

I - Claims 1-20, drawn to a method of making and/or heating an array of chambers, classified in class 435, subclass 91.2, and

II - Claims 21-37, drawn to an array of chambers and/or heating device therefore, classified in class 435, subclass 303.1.

Applicant provisionally elects to be examined the Invention described by the Examiner as Group I - Claims 1-20 drawn to a process classified in Class 435, subclass 91.2. This election is made with traverse of the requirement under 37 C.F.R. 1.143 for the reasons given in the following paragraphs.

The Examiner is respectfully requested to reconsider the Requirement for Restriction in the Office Action.

The Examiner gives the reasons for the distinctness between Inventions I and II as (1) that the process as claimed can be used to make other and materially different product, or (2) the product as claimed can be made by another and materially different process (M.P.E.P. 806.05(f)). However, upon reading the process Claims against the product Claims one can readily see that the process Claims are directed to a method "for

manufacturing a disposable multi-chamber chip", and that the product claims are directed to "a disposable multi-chamber chip", and that it is necessary to obtain claims in both the process and product claim language. The process claims necessarily use the product and vice versa. The field of search must necessarily cover both the process class/subclass 435/91.2 and product class/subclass 435/303.1, in addition to other related classes and subclasses, to provide a complete and adequate search. The fields of search for Groups I and II are clearly and necessarily co-extensive. The Examiner's suggestion that "in this case the apparatus as claimed can be used to practice another and materially different process, such as a process that does not require forming the array device in place and/or a process with employs an array device other than that made by the process of the claims of Group I" is speculative and has nothing to do with the Claims as presented in this patent application.

Further, it is respectfully suggested that these reasons are insufficient to place the additional cost of second and third patent applications upon the applicants. Therefore, it is respectfully requested that the Examiner withdraw this restriction requirement for these reasons.

Withdrawal of the Restriction Requirement, and allowance of the present Patent Application, is respectfully requested.

It is requested that should there be any problems with this response, please call the undersigned Attorney at (845) 452-5863.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'SBA', with a long horizontal line extending to the right.

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